

## **REMARKS**

Claim 23 has been amended. No new matter has been added. Claims 6 to 27 are pending.

Applicants thank the Examiner for indicating that claims 6 to 22 are in condition for allowance. Claims 23 to 27 were rejected. Applicants respectfully request reconsideration of the present application in view of this Amendment Response.

**Claims 23 to 25 and 27, were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 3,635,552 to De Lang (“De Lang reference”).**

Claim 23 has been amended to include “the reference surface and test object are not displaced in order to effect the tuning of the interferometer.” No new matter has been added. In view of this amendment, Applicants respectfully submit that claim 23 and its dependent claims 24 to 27 are allowable.

As discussed in Applicants’ earlier Response, the 1974 De Lang reference concerns using an arranged light source 1 which strikes a certain dividing mirror 3 and transmitting one half of the incident beam to the reference mirror 5 and reflecting the other half to an object 4 to be tested. The De Lang reference does not teach the tunable interferometer as claimed above. Instead, the De Lang physically moves parts of its system in order to provide tuning. For example, as recited by the De Lang reference, “The interferometer is adjusted so that a stripe pattern is produced in the image field 11. The stripe pattern is produced by turning the reference mirror 5 or the object 4 through a small angle. ...When the analyzer rotates about an axis parallel to the incident beam, the stripe patterns.... A similar result would be obtained if, instead of rotating the analyzer, the mirror 4 or 5 would be moved in the direction of the beams..... When the analyzer 46 is rotated about an axis transverse to the main direction....” See, e.g., col. 3, line 1, to col. 4, line 12. The De Lang reference, among other things, did not teach or disclose a system or method in which such physical movement does not take place in order to achieve a more accurate outcome. Thus, claim 23 has been amended above to further clarify this feature and other features, such amendments being supported by the Specification of record.

Accordingly, Applicants respectfully submit that amended claim 23 and its dependent claims 24, 25 and 27, are allowable.

**Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over the De Lang reference in view of U.S. Patent No. 5,627,666 to Sharp et al. (“Sharp reference”).**

Claim 26 depends from amended claim 23, and is believed allowable over the De Lang reference for at least the same reasons as explained above.

For purposes of the present invention, the Sharp reference does not cure the deficiencies of the De Lang reference. The Sharp reference appears to concern a liquid crystal phase modulator using cholesteric circular polarizers, where a phase modulator has an electro-optically rotatable smectic liquid crystal half-wave retarder in combination with a cholesteric liquid crystal circular polarizer. The Sharp reference, among other things, does not teach or suggest a system or method in which certain events take place, including the stationary situation of certain system parts in order to achieve a more accurate outcome.

Accordingly, Applicants respectfully submit that the De Lang and Sharp references, together or alone, do not teach or suggest the invention of claim 26. Applicant respectfully requests that the claims are found allowable over the De Lang and Sharp references. Withdrawal of the rejection of claim 26 over the De Lang reference in view of the Sharp reference is respectfully requested.

It is respectfully submitted that all pending claims 6 to 27 are allowable and any outstanding rejections should be withdrawn.

### **CONCLUSION**

In view of all of the above, it is respectfully submitted that all claims 6 to 27, as amended above, are presently allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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